

**Before the  
FEDERAL COMMUNICATIONS COMMISSION  
Washington, D.C. 20554**

In re	)	
	)	
Connect America Fund	)	WC Docket No. 10-90
	)	
Wireline Competition Bureau Seeks Further	)	
Comment on Issues Regarding the Design	)	
of the Remote Areas Fund	)	
	)	

**COMMENTS OF  
THE STATE OF HAWAII**

The State of Hawaii Department of Commerce and Consumer Affairs (“DCCA”)<sup>1</sup> respectfully submits these comments in response to the Commission’s Public Notice (“Notice”) seeking input on the design of the Remote Areas Fund (“RAF” or “Fund”).<sup>2</sup> The State applauds this most recent step toward realizing the benefits of broadband for all Americans, including those in the remotest regions of the country. DCCA has a strong interest in the design and implementation of the RAF because of the number of consumers in Hawaii who need and are likely to be eligible for RAF support. As “the most isolated population center on Earth”<sup>3</sup> with terrain ranging from open ocean to rainforest valleys and mountainous volcanic landscapes, Hawaii has long experience bringing service to citizens in remote areas, efforts which continue

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<sup>1</sup> These Comments are submitted by the State of Hawaii acting through its Department of Commerce and Consumer Affairs, Cable Television Division, which represents the state in these matters. The DCCA is the cable franchise authority for the State of Hawaii.

<sup>2</sup> *Wireline Competition Bureau Seeks Further Comment on Issues Regarding the Design of the Remote Areas Fund*, Public Notice, WC Docket No. 10-90, DA 13-69 (rel. Jan. 15, 2013) (“*Public Notice*”).

<sup>3</sup> 2010 Census Hawaii Profile, U.S. Census Bureau, available at [http://www.census.gov/geo/www/guidestloc/st15\\_hi.html](http://www.census.gov/geo/www/guidestloc/st15_hi.html).

today.<sup>4</sup> DCCA provides the following comments to share its experience with this ongoing challenge and to provide information and recommendations to assist in informing the design of the RAF.

## **I. RAF ELIGIBILITY MUST BE DETERMINED TRANSPARENTLY AND GRANULARLY**

The Public Notice seeks to further develop the record on methods to identify areas where consumers would be eligible for RAF support during the interim until the forthcoming forward-looking cost model is finalized.<sup>5</sup> In particular, the Bureau specifies that it seeks “administratively feasible” approaches to identify eligible customers.<sup>6</sup> Hawaii recognizes that any method or combination of methods is likely to entail significant administrative burden to both the Commission and to other entities involved in the process, including state and local governments, providers, and potentially individual consumers. At the same time, the effectiveness of the Fund depends on the quality of the data that drives eligibility determination. Hawaii believes that the efficiency and effectiveness of the fund will both be maximized by enabling those with the most motivation and the best information to assist in improving the data available to all parties.

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<sup>4</sup> Hawaii Broadband Strategic Plan - December 2012, Department of Commerce and Consumer Affairs (available at <http://hawaii.gov/dcca/broadband/arra-1/Hawaii%20Broadband%20Strategic%20Plan%20-%20Dec.%202012.pdf>).

<sup>5</sup> Public Notice, ¶ 4.

<sup>6</sup> *Id.*

### **A. RAF Data Must Include the Ability to Self-Report Eligibility**

Hawaii strongly urges that regardless of what dataset or datasets—such as the National Broadband Plan or census-level data—are used to initially determine eligibility, the Commission also includes a system for easily supplementing this information. Such a system would provide a valuable “other possible data source”<sup>7</sup> to augment the information currently available. As the Commission has suggested, it is likely that some consumers who remain unserved will be motivated to proactively report the unavailability of broadband in order to ensure their eligibility for support.<sup>8</sup> It is even more likely, however, that providers seeking to expand their customer base will have the strongest motivation and best information to provide such data to the Commission accurately, timely, and en masse. Hawaii suggests therefore that a self-reporting system be able to accommodate updates from organizations such as companies and municipalities, in addition to individual consumers. The Commission’s existing Consumer Broadband Test, and in particular the ability to report a “Broadband Dead Zone,” provides a model for this functionality and should be recognized as one source of data to determine eligibility for RAF assistance.<sup>9</sup>

Hawaii also notes that such a well-developed dataset composed from myriad sources could provide an invaluable planning tool for state and local organizations charged with promoting broadband and ensuring service to remote customers. Hawaii therefore proposes that

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<sup>7</sup> *Id.* ¶ 7.

<sup>8</sup> *Id.* ¶ 6 (seeking comment on whether to implement a process to allow households to self-report being unserved).

<sup>9</sup> See Broadband Dead Zone Form, Federal Communications Commission, <http://www.broadband.gov/qualitytest/deadzone/>. To enable mass reporting as by municipalities and providers, the interface for the form would have to be modified to accept multiple submissions at once or more general information than street address.

any such process should give the self-reporting individuals and groups the option to concurrently notify such state or local organizations to enable them to verify and document the need, as well as to assist in the planning process for extending service into these unserved areas.

**B. Granular and Flexible Data Sources Can Help Determine Eligibility in Unique Locations**

Hawaii appreciates the Commission's recognition that current approaches to identifying areas eligible for RAF support may not be well suited to the unique characteristics of states like Hawaii and Alaska.<sup>10</sup> For instance, Hawaii notes that census-block level information has a tendency to misrepresent the availability of broadband in the state because infrastructure tends to be consolidated around the perimeter of the islands, close to the roads that circle most islands.<sup>11</sup> Census blocks that form wedges from coastal highways can result in overestimates of broadband coverage reflected by maps, and may not accurately reflect service unavailability for residents that reside in the sparsely populated areas away from the highways. Unique local conditions such as these indicate the need for a comprehensive "all sources" approach to determining RAF eligibility using the most granular data possible from the sources best situated to provide it. Hawaii believes that detailed and up-to-date eligibility data is one of the best ways to accommodate unique and challenging local broadband deployment conditions.

**II. THE REMOTE AREAS FUND SHOULD NOT BE DIVERTED TO FUND NON-REMOTE AREAS**

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<sup>10</sup> *Id.* ¶ 7.

<sup>11</sup> *See* State of Hawaii ex parte presentation, Attachment at 6 (Dec. 3, 2012).

The Notice considers whether to provide RAF vouchers to residents in areas expected to receive terrestrial broadband at some point in the future through the Connect America Fund,<sup>12</sup> and also seeks comment on this issue in the context of designing the Remote Areas Fund within a set budget.<sup>13</sup> Hawaii is concerned that such a plan could detract from the intended function of the RAF as a tool to target the areas of greatest challenge to broadband deployment. Undoubtedly, those areas that today remain unserved through either market forces or universal service mechanisms have in common that they present particular difficulties to broadband deployment. Many such areas, however, will nonetheless be addressed in time by the expansion of networks and the additional assistance available through the general Connect America Fund. The RAF was conceived of as a specialized tool to ensure service to the “less than one percent of Americans [who are] living in remote areas”<sup>14</sup> and are unlikely to be served by market forces, either with or without support from the general Connect America Fund. Hawaii believes that making RAF support available for areas likely to be served through the general CAF departs from the intended function of the RAF and therefore should be avoided.

### **III. BROADBAND PERFORMANCE REQUIREMENTS FOR RAF CAN AND SHOULD BE COMPARABLE TO URBAN AREAS**

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<sup>12</sup> *Id.* ¶ 15.

<sup>13</sup> *Id.* ¶ 42.

<sup>14</sup> *Transformation Order*, ¶ 1223.

Although Hawaii recognizes the rationale behind the Commission’s proposal to “modestly relax”<sup>15</sup> the performance requirements of broadband service to remote areas, the State does not believe such an accommodation is necessary or desirable. Hawaii has in the past expressed its concern that the National Broadband Map definition of broadband as 768 kbps downstream and 200 kbps upstream is not sufficient for current usage, let alone those likely to be developed in the near future. Hawaii agrees with the Commission that the full benefits of Internet connectivity require speeds averaging closer to the Commission’s definition of broadband, 4 Mbps downstream and 1 Mbps upstream.<sup>16</sup> Reducing performance requirements in RAF-supported areas would unnecessarily lower the bar and is counter to the goals of the State and the universal service program of ensuring that even those Americans living in remote regions can receive truly broadband levels of service.

#### **IV. CONCLUSION**

To ensure that unserved consumers are eligible, and to allow for rapid and transparent identification of areas that are ineligible, Hawaii urges the Commission to include a method for individuals, state and local governments, and service providers to submit supplemental information clarifying discrepancies or holes in the available datasets. In addition, Americans living in remote areas will be best served by ensuring that the Remote Areas Fund remains specifically targeted at those extremely high cost areas that are unlikely to be served by the general CAF. Finally, Hawaii believes that true broadband speeds and performance requirements are necessary even in remote areas, and that relaxing these requirements risks perpetuating the trend of reduced connectivity in remote areas.

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<sup>15</sup> *Id.* ¶ 47.

<sup>16</sup> *USF Order*, ¶ 93.

Respectfully submitted,

**THE STATE OF HAWAII**

By: \_\_\_\_\_

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